

# HOUSE BILL REPORT

## ESSB 6352

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### As Passed House:

March 2, 2004

**Title:** An act relating to selection of telephone calling systems for offenders in state correctional facilities.

**Brief Description:** Revising provisions concerning selection of telephone calling systems for offenders in state correctional facilities.

**Sponsors:** By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Esser, Schmidt, Poulsen, Berkey, McAuliffe and Kohl-Welles).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/24/04, 2/25/04 [DP].

#### Floor Activity:

Passed House: 3/2/04, 92-2.

### Brief Summary of Engrossed Substitute Bill

- Requires that all calls made by offenders, using a new calling system, be as secure as the system it replaces and that it offers offender families the ability to select a low-cost option.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

**Staff:** Yvonne Walker (786-7841).

### Background:

The Department of Corrections (DOC) contracts for the equipment installation and telephone service at each prison, including the installation and maintenance of all equipment and lines, and the provision of local and long-distance operator service.

In return for the right to provide each prison with phone service, each contractor provides a rebate to the DOC on a monthly basis. The rebate is based on a rate determined between the DOC and the contractors. The rebates are deposited in the Offender Betterment Fund at each

facility where the service is provided. Twenty-five percent of all funds in the Offender Betterment Fund are transferred to the Public Safety and Education Account. The remaining funds are used for general prison related expenses.

Inmates in prison must use operator-assisted collect telephone calls and may not directly dial to another party. These operated-assisted calls provide an operator announcement that notifies the receiver of the call that the call is coming from a prison. Operator-assisted telephone calls carry the highest rate, regardless of who makes the call. For security reasons, inmates may not dial directly to outside parties. Prison personnel and people on the outside of prison have access to telephones that allow for direct dialing which carries a lower rate. Consequently, it is not the rate per se that results in a higher cost to individuals accepting inmates collect calls, but that the collect call must be operator-assisted.

In 2003, the Legislature passed legislation (ESSB 5404 - the Operating Budget) that requires the DOC, when contracts are established or renewed for offender telephone services, to select contractors based on: (1) the lowest rate charged to both the inmate and the person paying for the telephone call, and (2) the lowest commission rates paid to the DOC, while providing reasonable compensation to cover the costs of the DOC to provide the telephone service to inmates and provide sufficient revenues for the activities funded from the Offender Betterment Fund.

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**Summary of Bill:**

All personal calls made by an offender must be made using a calling system approved by the DOC, which is at least as secure as the system it replaces. In approving one or more calling systems, the DOC must consider the safety of the public, the ability to reduce telephone fraud, and the ability of offender families to select a low-cost option.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The Senate bill was amended to not limit the DOC as to the type of technology that they could use. This bill will allow the DOC to use the newest and least expensive technology that is available on the market.

This bill is not intended to reduce or get rid of the Offender Betterment Account. It is just to help families keep connected to loved ones who may be incarcerated. The current rates for some phone calls can range up to \$65 per phone call. Families are also double-taxed because any money that they send to an inmate is deducted at a 35 percent rate.

This bill also helps to address the proviso that was part of the budget last year. Over the last several years, particularly in HB 2010 from 1995, the DOC has taken a number of fiscal cuts and has even been asked to pay for some services for inmates out of other funds. This is the reason that some of the services offered to inmates in prison are funded out of other sources such as the Offender Betterment Account.

**Testimony Against:** None.

**Persons Testifying:** Senator Stevens, prime sponsor; Patria Robinson-Martin, Department of Corrections; and Sherry Appleton, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.